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**DOCKET NO. 49433**

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PUBLIC UTILITY COMMISSION

**PETITION OF LGI HOMES - TEXAS, § PUBLIC UTILITY COMMISSION**  
**LLC TO AMEND BOLIVAR WATER §**  
**SUPPLY CORPORATION'S WATER § OF TEXAS**  
**CERTIFICATE OF CONVENIENCE §**  
**AND NECESSITY IN DENTON §**  
**COUNTY BY EXPEDITED RELEASE §**  
**§**

**ORDER NO. 4**  
**GRANTING MOTION TO SEVER**  
**AND ADDRESSING OTHER PROCEDURAL MATTERS**

**DOCKET NO. 49939**

**PETITION OF BIG SKY LLC TO § PUBLIC UTILITY COMMISSION**  
**AMEND BOLIVAR WATER SUPPLY §**  
**CORPORATION'S WATER § OF TEXAS**  
**CERTIFICATE OF CONVENIENCE §**  
**AND NECESSITY IN DENTON §**  
**COUNTY BY EXPEDITED RELEASE §**  
**§**

**ORDER NO. 1**  
**GRANTING MOTION TO SEVER**  
**AND ADDRESSING OTHER PROCEDURAL MATTERS**

This Order address the motion to sever jointly filed by LGI Homes – Texas, LLC and Big Sky LLC, on August 9, 2019, and request to withdraw the petition for expedited release of a one-acre lot owned by Mindy L. Koehne.

On April 10, 2019, LGI Homes, Big Sky, and Mindy L. Koehne jointly filed a petiton with the Commission for expedited release of three tracts of land from the service area of Bolivar Water Supply Corporation under certificate of convenience and necessity (CCN) number 11257 in Denton County under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(I). LGI Homes owns a tract of land that is approximately 280 acres and Big Sky owns 159 acres. Koehne owns a one-acre tract of land.

In Order No. 2 issued May 13, 2019, the administrative law judge found the petition administratively incomplete and allowed the applicants to cure the deficiencies by identifying each tract of land, including acreage and the corresponding owners.

On May 28, 2019, the applicants filed supplemental documentation. However, one tract of land identified is less than 25 acres. Therefore, the petition did not comply with 16 TAC § 24.245(l). On July 9, 2019, Commission Staff filed a second recommendation on administrative completeness.

In Order No. 3 issued July 11, 2019, the ALJ found that the petition remained administratively incomplete and allowed the applicants to cure the deficiencies.

On August 9, 2019, LGI Homes and Big Sky filed a response to Order No. 3 and a motion to sever the joint petition into two separate petitions: one for the 280-acre tract of land owned by LGI Homes and the other for the 159-acre tract of land owned by Big Sky. An amended petition for the tract of land owned by LGI Homes and a separate petition for the tract of land owned by Big Sky were attached to the motion to sever. On August 15, 2019, Commission Staff filed a response to the motion to sever in which it agreed that processing the two petitions in separate dockets would be appropriate.

A severance may be granted if severance would serve the interest of efficiency or prevent unwarranted expense and delay and the applicant's ability to present its case and other person's ability to respond to the applicant's case would not be unduly prejudiced. A single petition under 16 TAC § 24.245(l) for two separate tracts of land owned by different entities is not contemplated under that rule or TWC § 13.254(a-5). Processing an improper petition would not be efficient and would cause additional unwarranted expense and delay. Accordingly, the ALJ issues the following orders:

1. The motion to sever is granted.
2. The amended petition of LGI Homes will be processed in Docket No. 49433.
3. Docket No. 49433 is restyled as *Petition of LGI Homes – Texas, LLC to Amend Bolivar Water Supply Corporation's Water Certificate of Convenience and Necessity in Denton County by Expedited Release.*

4. The request for withdrawal of Mindy L. Koehne's request for expedited release of a one-acre tract is granted.
5. The petition of Big Sky will be processed in Docket No. 49939, *Petition of Big Sky LLC, to Amend Bolivar Water Supply Corporation's Water Certificate of Convenience and Necessity in Denton County by Expedited Release.*
6. Commission Staff must file a recommendation regarding administrative completeness of Big Sky's petition on or before October 21, 2019.

Signed at Austin, Texas the 24<sup>th</sup> day of September 2019.

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**STEVEN LEARY**  
**ADMINISTRATIVE LAW JUDGE**